REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

The Restriction Requirement indicates that claims 1-37 are pending (e.g., at Disposition of Claims in the Office Action Summary). Applicants respectfully point out that claims 22-37 were canceled upon filing of the instant application, as indicated in the Transmittal mailed with the application on March 16, 2001 (see, e.g., item 3 on page 1 of the Transmittal).

In response to the Restriction Requirement, Applicants hereby elect the claims of Group II (including claims 3-6, and 9-11), drawn to polynucleotides and host cells of the invention, with traverse.

Claims directed to methods of using the claimed polynucleotides for producing a polypeptide (i.e., claim 7), for detecting a target polynucleotide by hybridization or PCR (i.e., claims 12-14), for screening a compound for effectiveness in altering expression of a polynucleotide (i.e., claim 20), and for assessing toxicity of a test compound (i.e., claim 21), could and should be examined together with the product claims from which they depend, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Applicants presume these method claims will be rejoined, upon determining allowability of the product claims from which they depend.

It is also submitted that claims 1 and 2, drawn to polypeptides of the invention, could be examined along with the polynucleotide claims without undue burden on the Examiner. A search for prior art to determine the novelty of the polynucleotides would substantially overlap with a search of the prior art to determine the novelty of the polypeptides encoded by the polynucleotides.

Applicants reserve the right to prosecute non-elected subject matter in subsequent divisional applications.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at (650) 621-8581.

If the USPTO determines that any additional fees are due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108.**

Respectfully submitted,

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Date: July 26, 2002.

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Limited Recognition (37 C.F.R. § 10.9(b)) attached
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph immediately following the title has been amended as follows:

This application is a **DIVISIONAL** application of U.S. application serial number 09/088,549, filed June 1, 1998, which issued on May 15, 2001 as U.S. Patent No. 6,231,853, entitled HUMAN GLUTATHIONE PEROXIDASE-6, which is hereby expressly incorporated by reference.

IN THE CLAIMS:

Claims 8, 16, and 18-19 have been canceled, without prejudice or disclaimer.

Claims 1-4, 7, 9, and 11 have been amended as follows:

1. (Once Amended) An isolated polypeptide encoded by a polynucleotide of claim 3 [comprising an amino acid sequence selected from the group consisting of:

a) an amino acid sequence of SEQ ID NO:1,

b) a naturally occurring amino acid sequence having at least 90% sequence identity to an amino acid sequence of SEQ ID NO:1,

c) a biologically active fragment of an amino acid sequence of SEQ ID NO:1, and

d) an immunogenic fragment of an amino acid sequence of SEQ ID NO:1].

2. (Once Amended) An isolated polypeptide of claim 1, comprising [consisting of] the amino acid sequence of SEQ ID NO:1.

3. (Once Amended) An isolated polynucleotide encoding a polypeptide selected from the

group consisting of [claim 1] :

a) a polypeptide comprising the amino acid sequence of SEQ ID NO:1,

b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:1,

c) a polypeptide fragment comprising at least 10 contiguous amino acid residues of a polypeptide having the amino acid sequence of SEQ ID NO:1, wherein said polypeptide fragment has glutathione peroxidase activity, and

d) an immunogenic fragment comprising at least 10 contiguous amino acid residues of a polypeptide having the amino acid sequence of SEQ ID NO:1.

4. (Once Amended) An isolated polynucleotide of claim 3, comprising the polynucleotide [consisting of the nucleic acid] sequence of SEQ ID NO:2.

7. (Once Amended) A method [for] of producing a polypeptide encoded by a polynucleotide of claim [1] 3, the method comprising:

a) culturing a cell under conditions suitable for expression of the polypeptide, wherein said cell is transformed with a recombinant polynucleotide, and said recombinant polynucleotide comprises a promoter sequence operably linked to a polynucleotide [encoding the polypeptide] of claim [1] 3, and

b) recovering the polypeptide so expressed.

9. (Once Amended) An isolated polynucleotide [comprising a polynucleotide sequence] selected from the group consisting of:

a) a polynucleotide comprising the polynucleotide sequence of SEQ ID NO:2,

b) a polynucleotide comprising a naturally occurring polynucleotide sequence [having] at least 90% [sequence identity] identical to [a] the polynucleotide sequence of SEQ ID NO:2,

c) a polynucleotide [sequence] complementary to the polynucleotide of a),

d) a polynucleotide [sequence] complementary to the polynucleotide of b), and

e) an RNA equivalent of a)-d).

11. (Once Amended) An isolated polynucleotide comprising at least [60] 30 contiguous nucleotides of a polynucleotide selected from the group consisting of [claim 9] :

a) a polynucleotide consisting of the polynucleotide sequence of SEQ ID NO:2,

b) a polynucleotide consisting of a naturally occurring polynucleotide sequence at least 90% identical to the polynucleotide sequence of SEQ ID NO:2,

c) a polynucleotide complementary to the polynucleotide of a),

d) a polynucleotide complementary to the polynucleotide of b), and

e) an RNA equivalent of a)-d).

New claims 38-41 have been added as follows:

38. (New) An isolated polynucleotide of claim 3, encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:1.

39. (New) A polynucleotide of claim 11, comprising at least 60 contiguous nucleotides of a polynucleotide selected from the group consisting of:

a) a polynucleotide consisting of the polynucleotide sequence of SEQ ID NO:2,

b) a polynucleotide consisting of a naturally occurring polynucleotide sequence at least 90% identical to the polynucleotide sequence of SEQ ID NO:2,

c) a polynucleotide complementary to the polynucleotide of a),

d) a polynucleotide complementary to the polynucleotide of b), and

e) an RNA equivalent of a)-d).

40. (New) A microarray wherein at least one element of the microarray is a polynucleotide of claim 11.

41. (New) A method of generating an expression profile of a sample which contains

polynucleotides, the method comprising:

a) labeling the polynucleotides of the sample,

b) contacting the elements of the microarray of claim 40 with the labeled polynucleotides of the sample under conditions suitable for formation of a hybridization complex, and

c) quantifying the expression of the polynucleotides in the sample.